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LERNER GREENBERG STEMER LLP			EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/981,847

Applicant(s)

KONIG, EDELBERT

Examiner

LaShanya R. Nash

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This action is in response to the request for continued examination filed 13 September 2007. Claims 1, and 3-13 are presented for further consideration.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 13 September 2007 has been entered.

Response to Arguments

Applicant's arguments filed April 19, 2007 have been fully considered but they are not persuasive. It is further noted that these arguments were previously addressed in the Examiner's Answer dated 24 August 2007, however are reiterated in instant Office action as no additional remarks were submitted with the request for continued examination. Additionally, the rejections of claims as stated in the Examiner's Answer dated 24 August 2007 are reiterated in instant Office action, as no claim amendments were submitted with the request for continued examination.

In considering the Applicant's arguments the following factual remarks are noted:

- (I) Applicant contends that Collin does not teach or suggest displaying a specified number of diagnostic programs stored in a second computing unit after the data connection is established, and selecting and starting one of the diagnostic programs via the first computing unit.
- (II) Applicant contends that there is no second hardware unit to which a connection is made via the Internet or via other computer networks.
- (III) Applicant contends that the Examiner has the incorrect opinion that Collin discloses two different computing systems, one computer system being the server and one computer system being the client.

In considering (I), Applicant contends that Collin does not teach or suggest displaying a specified number of diagnostic programs stored in a second computing unit after the data connection is established, and selecting and starting one of the diagnostic programs via the first computing unit. Examiner respectfully disagrees. Examiner asserts Collin explicitly discloses the computer system diagnostics method that involves displaying information in manner selected by the user (page 3, lines 11; page 4, lines 1-5), wherein the aforementioned manner comprises displaying (Figures 4 and 5) a specified number (i.e. one or two; run servers 208 and/or 210; page 9, lines 1-5) of diagnostic programs, (i.e. server modules that assist in the diagnostics of a computer system; pages 3-4; page 9). Collin further discloses that the aforementioned server programs are stored on the second computing unit (i.e. server; Figure 2-item 208 and

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210; pages 8-9), as further evidenced by disclosure that "problems at the customer site (i.e. first computing unit/client; Figure 2-item 202) can be solved without installing debuggers and sending engineers to debug the problem on-site...user at the site to run servers 208 and/or 210 in the background...", (page 9, lines 1-11). Furthermore Collins explicitly discloses, "The client code is designed to interact with code from the server driver 102/and or the server application 104. This interaction allows the server application 104 to compile an online database of messages, events, signals, or other information from the X-application 108 and/or the X-system 106. It should be noted that during operation the X-system 106 and the X-application 108 search for the appropriate sever and, if found, ceate a channel of communcation with it....Advantageously, if the server is not found, the cleint does not consume resources from the computer system 100" (page 8). This disclosure futrther evidenced that client and server, as disclosed by Collin, are distincly separate computing units in communication with each other, wherein the information server is disclosed to comprise the server driver and server application (page 4). Examiner additionally asserts that Collin explicitly discloses performing the aforementioned displaying steps after the data connection is established, (page 3, lines 11; pages 9-10). Examiner additionally asserts that Collin discloses selecting (i.e. selected by selecting [through a standard mouse operation or the like]) and starting (i.e. run servers) one of the diagnostic programs via the first computing unit (i.e. client; pages 10-11). Therefore, Examiner asserts that Sridhar in combination with Collin does teach all of the limitations recited in claims 1 and 12, as set forth in the previous Office actions.

In considering (II) Applicant contends that there is no second hardware unit to which a connection is made via the Internet or via other computer networks. However, Examiner notes that the features upon which applicant relies (i.e., a connection is made via Internet or via other computer networks) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, Collin expressly discloses that a communication channel is established between a client module and a server module (page 3, lines 11). This is consistent with limitation as recited in Applicant's claims, "establishing a data connection". Collin further discloses that information may be viewed remotely via another computing unit (i.e. remote client; page 7, lines 15-19), and that the aforementioned computing units are equipped with network interface cards (page 12, lines 10-17) thereby enabling communication via a network. Therefore, the disclosure of Collin indicates that a network connection can be established between the client module of the first computer unit (i.e. remote client) and a server module of a second computing unit in order to subsequently display (Figures 4 and 5) a specified number of diagnostics programs after the data connection is established (pages 3-4; page 9), select and start one of the diagnostics programs via the first computing unit (i.e. client), (pages 9-11); and transmit results of the one diagnostics program to the first computing unit, (page 3, line 1 to page 5, line 26). Therefore, Examiner asserts that

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Sridhar in combination with Collin does teach all of the limitations recited in claims 1 and 12, as set forth in the previous Office actions.

In considering (III) Applicant contends that the Examiner has the incorrect opinion that Collin discloses two different computing systems, one computer system being the server and one computer system being the client. Examiner respectfully disagrees. Examiner asserts that the Collin reference expressly discloses employing an X-application and X-system (Figure 1-items 106&108) to pass information between client and server modules (page 7, lines 5-15; page 8, lines 1-13), where X-based applications are well known in the art to support device independence and network transparency. As expressly disclosed by McGregor ("Designing User Interface Tools For The X Windows System"- IEEE 1989), computing systems with X-applications have the functionality to view and manipulate windows, even though the actual applications are running on disparate operating systems and processor architectures (*Abstract*; page 243). Specifically, McGregor discloses users accessing remote application running on a server regardless of what workstation (i.e. client) they employ (*Network Transparency Sets X Apart*; page 224). Therefore, the Examiner asserts that the system as disclosed by Collin clearly indicates to those with ordinary skill in the art, that the aforementioned client and server modules implemented via an X-system are inherently device independent and network transparent. Clearly through X-based architecture the client module, as disclosed by Collin, can access and manipulate an application running of a server module running remotely on a separate computing unit (i.e. first computing unit

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and second computing unit). Examiner additionally notes McGregor was cited only to further evidence inherence, as device independence and network transparency were well known characteristics of X-applications. Therefore, Examiner asserts that Sridhar in combination with Collin does teach all of the limitations recited in claims 1 and 12, as set forth in the previous Office actions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar (US Patent 6,098,108) in view of Collin, Zeev (International Publication Number WO 00/49501), hereinafter referred to as Sridhar and Collin respectively.

In reference to claim 1, Sridhar discloses a method for establishing a data connection between computing systems within a network through access of directory information such as network address and employed protocol, (abstract). Sridhar explicitly discloses:

- A method for establishing a data connection and for transmitting data from a first computing unit (i.e. client computer) and a second computing unit (i.e. server computer), (column 5, line 26 to column 6, line 26), which comprises:

- In the first computing unit, selecting and reading out from a database (Figure 16-item 1620) an address of the second computing unit in a selection program (Figure 16-1535), (column 6, lines 22-26 and column 24, line 57 to column 6, line 11);
- Establishing a connection with the address of the second computing unit, (column 6, lines 22-26 and column 24, line 57 to column 6, line 11);
- Initially performing a version comparison between the first and second computing units with respect to an employed communications protocol, (column 9, line 44 to column 11, line 39);and
- After the communications protocol is determined, establishing a data connection for transmitting data, (column 9, line 44 to column 11, line 39).

Although Sridhar discloses substantial features of the claimed invention, the reference fails to disclose the aforementioned connection method to include: displaying a specified number of diagnostics programs stored in the second computing unit after the data connection is established; selecting and starting one of the diagnostics programs via the first computing unit; and transmitting results of the one diagnostics program to the first computing unit. Nonetheless, modifying the communication method as disclosed by Sridhar so as to employ diagnostic server applications would have been an obvious modification for one of ordinary skill in art at the time of the invention, as further evidenced by Collin.

In an analogous art, Collin discloses a method for establishing communication channels between computing system so as to transmit information related to diagnostic

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modules (abstract). Collin further discloses: displaying (Figures 4 and 5) a specified number of diagnostics programs after the data connection is established (pages 3-4; page 9), selecting and starting one of the diagnostics programs via the first computing unit (i.e. client), (pages 9-11); and transmitting results of the one diagnostics program to the first computing unit, (page 3, line 1 to page 5, line 26). This modification to the method disclosed by Sridhar would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user monitoring systems for performing diagnostics thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5).

In reference to claim 12, Sridhar discloses a system for establishing a data connection between computing systems within a network through access of directory information such as network address and employed protocol, (abstract, and Figure 14).

Sridhar explicitly discloses:

- A computing comprising:
- A memory (Figure 14-item 1457) and at least one of hardware (Figure 14-item 1453) or software (Figure 15), (column 23, line 57 to column 25, line 2), for:
 - Establishing a data connection and for transmitting data from a first computing unit (i.e. client computer) and a second computing unit (i.e. server computer), (column 5, line 26 to column 6, line 26), which comprises:

- In the first computing unit, selecting and reading out from a database (Figure 16-item 1620) an address of the second computing unit in a selection program (Figure 16-1535), (column 6, lines 22-26 and column 24, line 57 to column 6, line 11);
- Establishing a connection with the address of the second computing unit, (column 6, lines 22-26 and column 24, line 57 to column 6, line 11);
- Initially performing a version comparison between the first and second computing units with respect to an employed communications protocol, (column 9, line 44 to column 11, line 39);and
- After the communications protocol is determined, establishing a data connection for transmitting data, (column 9, line 44 to column 11, line 39).

Although Sridhar discloses substantial features of the claimed invention, the reference fails to disclose the aforementioned connection method to include: displaying a specified number of diagnostics programs stored in the second computing unit after the data connection is established; selecting and starting one of the diagnostics programs via the first computing unit; and transmitting results of the one diagnostics program to the first computing unit. Nonetheless, modifying the communication method as disclosed by Sridhar so as to employ diagnostic server applications would have been an obvious modification for one of ordinary skill in art at the time of the invention, as further evidenced by Collin.

In an analogous art, Collin discloses a method for establishing communication channels between computing system so as to transmit information related to diagnostic

modules (abstract). Collin further discloses: displaying (Figures 4 and 5) a specified number of diagnostics programs after the data connection is established (pages 3-4; page 9), selecting and starting one of the diagnostics programs via the first computing unit (i.e. client), (pages 9-11); and transmitting results of the one diagnostics program to the first computing unit, (page 3, line 1 to page 5, line 26). This modification to the method disclosed by Sridhar would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user monitoring systems for performing diagnostics thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5).

Claims 3-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar in view of Collin as applied to claim 1 above, and further in view of Waite et al. (US Patent 4,688,170).

In reference to claim 3, Sridhar and Collin disclose substantial features of the claimed invention specifically: displaying a specified number of diagnostics programs, selecting and starting one of the diagnostics programs via the first computing unit (i.e. client); and transmitting results of the one diagnostics program to the first computing unit, (Collin page 3, line 1 to page 5, line 26). However, the references fail to explicitly disclose the method monitoring a printing press connected to the second computing unit. Nonetheless, establishing multi-protocol communication between computers connected to printing presses (i.e. printer) was well known in the art, as further evidenced by Waite. Therefore, this would have been an obvious modification to the

method as disclosed by Sridhar and Collin for one of ordinary skill in the art at the time of the invention.

In an analogous art, Waite discloses a method for establishing communication between diverse computers in a network via selecting an appropriate channel that communicates using the specified protocol of the intended recipient, (Waite abstract and column 1, line 64 to column 2, line 40). Waite further discloses this method is employed between computers in which a printing press is connected, (Wait column 3, line 24 to column 4, line 5; Figure 2-item 44). This modification to the method disclosed by Sridhar and Collin would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user in monitoring systems for performing diagnostics on peripheral devices (e.g. printers, modems, disk drives, displays) and thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5 and Waite Figure 2).

In reference to claim 4, Sridhar, Collin, and Wait further show the method which includes providing a table (i.e. database) wherein diagnostics programs are assigned to specific devices (i.e. printing presses), so that when establishing a connection, the diagnostic programs pertaining to a device are displayed for selection, (Collin page 3, line 1 to page 5, line 26).

In reference to claim 5, Sridhar, Collin, and Waite show the method which includes depending upon the diagnostic program (i.e. server application) that is selected

, establishing a communications protocol via which data is transmitted between the first and second computing units, (Sridhar column 9, line 44 to column 11, line 39).

In reference to claim 6, Sridhar, Collin, and Waite show the method which includes depending upon the diagnostic program that is selected, providing a specified number of data ports via which data is transmitted, (Waite column 3, lines 24 to column 4, line 5 and Figure 2-item 30).

In reference to claim 7, Sridhar Collin, and Waite show the method which includes transmitting specified data only via specified data ports, (Waite column 3, lines 24 to column 4, line 5 and Figure 2-item 30).

In reference to claims 10 and 11, Sridhar discloses substantial features of the claimed invention such as a communication method that includes depending on the server application selected, selecting a communication protocol, (Sridhar column 9, line 44 to column 11, line 39). Collin further discloses: selecting a type of control (i.e. driver) with which the device is controlled by the computing unit (i.e. client), and depending upon the control that is selected, selecting and displaying a diagnostic program, (Collin page 3, line 1 to page 5, line 26; pages 9-11). Sridhar and Collin still fail to disclose a printing press controlled by a computing unit. Nonetheless, establishing multi-protocol communication between computers connected to and controlled by printing presses (i.e. printer) was well known in the art, as further evidenced by Waite. Therefore, this would

have been an obvious modification to the method as disclosed by Sridhar and Collin for one of ordinary skill in the art at the time of the invention.

In an analogous art, Waite discloses a method for establishing communication between diverse computers in a network via selecting an appropriate channel that communicates using the specified protocol of the intended recipient, (Waite abstract and column 1, line 64 to column 2, line 40). Waite further discloses this method is employed between computers in which a printing press is connected, (Waite column 3, line 24 to column 4, line 5; Figure 2-item 44). This modification to the method disclosed by Sridhar and Collin would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user in monitoring systems for performing diagnostics on peripheral devices (e.g. printers, modems, disk drives, displays) and thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5 and Waite Figure 2).

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar in view of Collin and further in view of Waite, as applied to claims 3-7 above, and further in view of Official Notice.

In reference to claim 8, although Sridhar, Collin, and Waite disclose substantial features of the claimed invention the references fail to disclose outputting the data in parallel via the data ports, and transmitting the data output serially in data packets via the data connection. However, the Examiner serves Official Notice that these limitations were well known in the art at the time of the invention and therefore would have been

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obvious modifications to the method as disclosed by Sridhar, Collin, and Waite for one of ordinary skill in the art at the time of the invention. One of ordinary skill in the art would have been so motivated to accordingly modify the aforementioned method so as to increase the output rate of data through selected ports, thereby improving system efficiency.

In reference to claim 9, Sridhar Collin, Waite, and Official Notice show the method which includes transmitting providing in each packet an identifier for the data port, which indicates the data port from which data was output, (Sridhar column 15, line 56 to column 6, line 64).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar and Collin, as applied to claim 1, and further in view of Kraslavsky et al. (US Patent 5,537,626), hereinafter referred to as Kraslavsky.

Sridhar and Collin show substantial features of the claimed invention, specifically diagnostic programs stored in the memory of the second computing unit, (Collin page 3; pages 8-9). However, the references fail to show that the diagnostic programs are used for monitoring a printing press. Nonetheless, diagnostic programs for printers were well known in the art at the time of invention as further evidenced by Kraslavsky. Therefore, it would have been obvious for ordinary skill in the art at the time of invention, to accordingly modify the method as disclosed by Sridhar and Collin.

In an analogous art, Kraslavsky discloses a method for coupling a printer device to a network (i.e. LAN), and subsequently transferring printer related information

between the printer and the network to control printer operations, (abstract). Kraslavsky explicitly discloses storing printer diagnostic applications in a memory (column 21, lines 15-21; column 56, line 60-67). One of ordinary skill in the art would have been motivated to accordingly modify the aforementioned method, so as to allow the printer to export a large quantity of very specific printer status data (i.e. diagnostic information) to the network (Kraslavsky column 1, line 64 to column 2, line 3) which thereby leads to system optimization (Collin page 4, line 1-5).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R. Nash whose telephone number is (571)272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LaShanya Nash 
AU 2153
October 11, 2007


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER